

Case 200502707: Govanhill Housing Association Ltd

Summary of Investigation

Category

Housing Associations: Repairs and Maintenance of Stock

Overview

The complainant (Mr C) was concerned that he had not been given help to redecorate his Housing Association owned flat, despite his disability and their policy that disabled tenants should be offered help.

Specific complaint and conclusion

The complaint from Mr C which I have investigated is that Mr C was not given help with redecoration costs to which he was entitled as a result of his disability (*partially upheld*).

Redress and recommendations

The Ombudsman recommends that the Housing Association:

- (i) apologise to Mr C for failing to inform him that he may have been able to ask for the Housing Association to carry out the decoration works required in the bathroom, for which he had been given a decoration allowance; and
- (ii) ensure tenants in receipt of a decoration allowance are aware that there may be additional help available with undertaking the decoration itself.

The Housing Association have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. The Ombudsman received a complaint from a man (referred to in this report as Mr C) about Govanhill Housing Association (the Housing Association). Mr C complained that when he moved into his flat he was not given help with redecoration costs. He said that he later learned he was entitled to this because of his disability.

2. The complaint from Mr C which I have investigated is that Mr C was not given help with redecoration costs to which he was entitled as a result of his disability.

Investigation

3. In investigating Mr C's complaint, I have seen the correspondence between Mr C and the Housing Association and the void inspection report for the property (flat A). I have also read the relevant policy documents and reports produced by the Housing Association and the minutes of relevant meetings of Housing Association committees.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Housing Association were given an opportunity to comment on a draft of this report.

Complaint: Mr C was not given help with redecoration costs to which he was entitled as a result of his disability

5. Mr C has Congenital Myasthenia Gravis which is a disease of the nerves and the muscles. As a result of this he was awarded, in November 2003, Medical A priority for ground floor accommodation and the Housing Association gave him enhanced allocation points.

6. During his initial interview on 6 October 2003, Mr C told the Housing Association he was getting married but that he would be living on his own as his wife (Mrs C) would be staying with her parents initially to complete an academic course. He would, therefore, require room for a carer. In January 2004, Mr C decided he would accept a one bed-roomed flat and he was put on the waiting list on this basis.

7. In March 2004 Mr C took up the tenancy at flat A. This was a one bed-roomed flat. Mr C said flat A was in poor condition and that he asked the Maintenance Department whether the Housing Association would decorate the house. He was told he was only eligible for a £70 voucher. Mr C said he had to undertake re-plastering and decoration to the cost of £1,250.¹ In a letter to the Ombudsman, Mr C described the condition of the flat in some detail. He stated that the condition of the flat was very poor and that, as well as the artex and the colour of the paint in some rooms, there were problems with flaking plaster, staining on some of the skirting boards and ceiling and the bathroom had wallpaper hanging off and was untiled.

8. Mr C stated that he later became aware that the Housing Association does pay for the decoration where the tenant is ill or immobile and, on 2 August 2005, he complained to the Housing Association.

9. On 19 August 2005, the Housing Association wrote to him to say that he had had the opportunity to view the property prior to letting; that they considered the property was to an acceptable letting standard; and that it was their policy only to remove artex that was badly damaged or a health and safety risk. Mr C's complaint was then heard by a Sub-Committee who asked the Housing Association's internal auditor to prepare a report for them. This report said that Mr C had asked for artex to be removed when he moved in but that this had been refused because of the Housing Association's policy that they only do so if the plaster was damaged. The report also stated:

'During the initial interview on 6 October 2003, the applicant said that he was getting married but that his wife would initially be staying with her parents in order to complete an academic course and that he would require a carer.'

and later:

'The Association's policies do, however, state that where a tenant is disabled/chronically sick they be offered the option of having the redecoration carried out by the Association. The wording of the policy does, however, appear to support the contention that this is offered where there is no family

¹ Mr C's breakdown of these costs is set out in Annex 2.

support. In this case, the tenant was living with his wife who is physically sound.'

10. The Sub-Committee did not uphold Mr C's complaint. In line with the Housing Association's complaint procedure, Mr C wrote on 10 November 2005 and asked that this be reconsidered by the Management Committee. Mr C said that the report placed before the Sub-Committee contained a clear contradiction, as it had said first that Mrs C had not been living with him and then that she had been.

11. A report was prepared by the Housing Services Manager for the Management Committee meeting of 7 December 2005. This report said that:

'Evidence exists on the files to suggest that the tenant's wife was staying in London to complete her studies but no details exist to confirm when or how often she stayed in her principal home as part of her tenancy between the end of March and July 2004 when she permanently moved in at the end of her academic course. ... I would further clarify that if assistance had been given it would be to address the small areas of decoration relating to the small value decoration voucher and not the tenants' perceived position of the redecoration of the flat to the incoming tenants' personal taste or to remove decorative artex which was undamaged at the time of letting.'

The Management Committee did not uphold Mr C's complaint. Mr C complained to the Ombudsman on 3 February 2006.²

12. In response to my questions, the Housing Association provided a number of documents, including Mr and Mrs C's tenant file. The tenancy agreement signed by Mr and Mrs C stated that the Housing Association are required to ensure the accommodation provided is of habitable standard but no mention is made of decoration. The Housing Association's policy on repairs and maintenance did, however, set out the decoration standard for properties that are to be re-let, how any decoration allowance will be calculated and when help with decoration is to be considered. An extract from this is set out below:

² Mr C provided evidence that the course his wife was attending finished on 18 June 2004.

'Decoration Allowance

- It is recognised that invariably there will be winners and losers with the adoption of a decoration allowance. Nevertheless, it should be borne in mind that the Association has no obligation with regards the decoration of a re-let property. Therefore, the allowance granted should be viewed as a contribution to the costs incurred by the tenant and not to reimburse them for the cost of redecorating the property.
- However, cognizance is taken of the diversity of people housed by the Association and their differing difficulties and capabilities. Consequently, it would be appropriate to offer certain groups of incoming tenants the opportunity of having any required decoration works completed by the Association. Therefore, it is proposed that the following are offered the alternative of decoration works being carried out by the Association.
 - Elderly, of retirement age with no family support.
 - Disabled/Chronically sick.
 - Lone Parents with children under school age.'

13. Flat A was inspected prior to Mr and Mrs C accepting the tenancy. I have seen the void inspection report, which listed a number of decoration works requiring attention and included some reference to plastering. Apart from decoration to the bathroom, these are all ticked as completed and the Housing Association has stated that this was the case and the decoration voucher was given for the bathroom³. Mr C later installed a shower in the bathroom and a letter on the tenancy file showed that on 1 October 2004 Mr C was advised by the Association he was entitled to a payment of £435 under their 'Right to Compensation Scheme' for this work.

Conclusion

14. There is disagreement on the condition of the flat at the date of entry. It is, however, clear that the Housing Association's policy only requires decoration to be brought up to a basic standard and, in particular, no allowance is made for problems with colour or artex. It is also clear from the void inspection report that,

³ There was an error in the Auditors Report referred to in paragraph 9 which suggested the voucher was for more than the outstanding work on the Bathroom. The Housing Association provided a copy of the works order detailing the work undertaken which has clarified this point.

while a number of redecoration works were required, including plastering, all this was completed apart from the works to the bathroom prior to Mr and Mrs C taking up the tenancy.

15. The void inspection report does state that the bathroom required redecoration and a voucher was supplied for this. The Housing Association were aware of Mr C's disability when he became a tenant. Despite the contradictory statements in the report placed before the Sub-Committee regarding the issue of family support, their policy clearly states that the disabled/chronically sick should be offered the alternative of decoration works being carried out by the Housing Association. In Mr C's case, the Housing Association did not do this for the work they accepted needed done on the bathroom. However, the breakdown of the costs incurred at the time submitted by Mr C does not refer to any work in the bathroom and, prior to coming to this office, the Housing Association did compensate Mr C for work he had done to the bathroom (see paragraph 13). On the basis of the evidence provided I, therefore, partially uphold his complaint.

Recommendations

16. Although I am partially upholding Mr C's complaint that he should have been informed that he could apply for help, Mr C did receive compensation for work done to the bathroom in October 2004. Additionally, it is not clear that Mr C would have been eligible for assistance, as the Association have said it is likely Mrs C was living with him at the time. There is no inherent contradiction in their stating in a report that Mrs C had said in October 2003 she would not intend to move in at that time and a finding that she had done so in March 2004 or shortly thereafter. The Ombudsman does not recommend, therefore, that Mr C receives any additional compensation for the decoration undertaken.

17. The Ombudsman recommends that the Housing Association:

- (i) apologise to Mr C for failing to inform him that he may have been able to ask for the Housing Association to carry out the redecoration work required in the bathroom and for which he had been given a decoration allowance; and
- (ii) ensure tenants in receipt of a decoration allowance are aware that there may be additional help available with undertaking the decoration itself.

18. The Housing Association have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Housing Association notify her when the recommendations have been implemented.

28 November 2006

Explanation of abbreviations used

Mr C	The complainant
Mrs C	The complainant's wife
The Housing Association	Govanhill Housing Association
Flat A	Flat in which Mr C resided at the time

Annex 2

Mr C's breakdown of decorating costs

Wallpaper - 18 rolls (bedroom and living room): 10 at £12 and 8 at £8	£184
Paint - all rooms including windows, ceilings, skirting and doors	£125
Plastering - artex removal and repairing flaked walls	£350
Labour	£590
Total	£1,249